

Docket No.: T10-0104 c/w
T10-0136
Bench Date: 3/09/11
Deadline: N/A

M E M O R A N D U M

TO: The Commission

FROM: Latrice Kirkland-Montaque, Chief Administrative Law Judge

DATE: February 24, 2011

SUBJECT: The Department of Transportation of the State of Illinois, for
and on behalf of the People of the State of Illinois,
Petitioner,

v.

Burlington Northern & Santa Fe Railroad Company, which
acquired title as the Chicago, Santa Fe and California
Railway Company; and Unknown Owners,
Respondents.

Petition for approval of the taking or damaging of certain
property owned by a common transportation carrier in Cook
County, Illinois by exercising the right of eminent domain.
Job No. R-90-011-01; Parcel No. OPE3005TE and
OPE3006TE.

RECOMMENDATION: Enter Order granting the Petition.

On June 10, 2010, IDOT filed a Petition with the Commission to approve the taking of certain real estate identified as Parcels OPE3007TE and OPE3009TE (temporary construction easements) owned by the Burlington Northern & Santa Fe Railroad Company, a/k/a Burlington Northern & Santa Fe Railway Company, a Delaware Corporation ("the Railroad") through the exercise of the power of eminent domain.

On September 7, 2010, the Petitioner filed a verified Petition with the Commission to approve the taking of certain real estate identified as Parcels OPE3005TE and OPE3006TE (temporary construction easements) owned by the Railroad through the exercise of the power of eminent domain.

On September 14, 2010, Petitioner filed a Motion to Consolidate the two dockets, which was granted by a duly authorized Administrative Law Judge ("ALJ").

IDOT is engaged in an improvement to widen, improve and/or reconstruct I-55 at Central Avenue in Cook County, Illinois (the "improvement project"). Four temporary easements are necessary for the improvement project. The entire project is on a public roadway and the safety and convenience of the traveling public will be enhanced. IDOT has been unable to acquire from the Railroad the interests in the property it needs at this time for the construction of the improvement project.

The Railroad has no objection to granting IDOT the temporary easements needed to construct the project under the terms previously negotiated between the Parties.

Commission Staff has no objection to granting the Petition. The attached Order would approve the exercise of eminent domain. I recommend its approval.